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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
:
- v. - :
:
JOHN PIERRE DUPONT, :
a/k/a "John Gary Rinaldo," :
a/k/a "John Gary," :
:
Defendant. :
----- x

PROTECTIVE ORDER

19 Cr. 444 (RMB)

RICHARD M. BERMAN, United States District Judge:

WHEREAS the Government intends to produce in unredacted form to JOHN PIERRE DUPONT, a/k/a "John Gary Rinaldo," a/k/a "John Gary," the defendant, certain documents and materials pursuant to Federal Rule of Criminal Procedure 16 ("Rule 16"), and pursuant to any other disclosure obligations (collectively, the "Discovery"), which contain sensitive, confidential, or personal identifying information;

WHEREAS, the Government seeks to protect sensitive, confidential, or personal identifying information contained in the materials it produces consistent with Rule 16 or other disclosure obligations;

WHEREAS the defendant, through his counsel, consents to the entry of this Order;

IT HEREBY IS ORDERED:

1. Copies of discovery materials produced by the Government in this action bearing "confidential" stamps or otherwise designated as "confidential" and/or electronic discovery materials designated as "confidential" by the Government are deemed "Confidential Information";

2. Confidential Information disclosed to the defendant, or to the defendant's attorneys, respectively, during the course of proceedings in this action:

a) shall be used by the defendant or his counsel only for purposes of the defense of this action;

b) shall not be copied or otherwise recorded or transmitted by the defendant;

c) shall not be disclosed or distributed in any form by the defendant or his counsel except as set forth in paragraph 2(d) below;

d) may be disclosed only by the defendant's counsel and only to the following persons ("Designated Persons"):

i. investigative, secretarial, clerical, or paralegal personnel employed full-time or part-time by the defendant's counsel ("Defense Staff");

ii. independent expert witnesses, investigators, or advisors retained by the defendant's counsel in connection with this action;

iii. such other persons as hereafter may be authorized by the Court upon a motion by the defendant;

e) may be shown to, but not disseminated to or provided copies of to, prospective witnesses and their counsel (collectively, "Potential Witnesses"), to the extent deemed necessary by defense counsel, for trial preparation, and after defense counsel and/or Defense Staff instructs such individual(s) of the terms of this Order and that such individual(s) are bound by this Order; and

f) shall be returned to the Government following the conclusion of the trial of the above-referenced action or upon the defendant's sentencing, as the case may be, and any all copies made of said material shall be shredded, erased, and/or destroyed, as the case may be.

3. Copies of discovery materials produced by the Government in this action bearing "highly confidential" stamps or otherwise designated as "highly confidential" and/or electronic discovery materials designated as "highly confidential" by the Government are deemed "Highly Confidential Information";

4. Highly Confidential Information disclosed to the defendant's attorneys during the course of proceedings in this action:

- a) shall not be possessed by, or be copied or otherwise recorded or transmitted by, the defendant;
- b) shall be maintained in a safe and secure manner solely by defense counsel;
- c) shall be used by defense counsel and Designated Persons only for purposes of the defense of this action;
- d) shall not be disclosed or distributed in any form by the defendant or his counsel except only to Designated Persons, as defined above;
- e) may be shown to, but not disseminated to or provided copies of to, Potential Witnesses, to the extent deemed necessary by defense counsel, for trial preparation, and after defense counsel and/or Defense Staff instructs such individual(s) of the terms of this Order and that such individual(s) are bound by this Order; and
- f) shall be returned to the Government following the conclusion of the trial of the above-referenced action or upon the defendant's sentencing, as the case may be, and any all copies made of said material shall be shredded, erased, and/or destroyed, as the case may be.

5. The defendant and his counsel shall provide a copy of this Order to Designated Persons to whom they disclose Confidential Information or Highly Confidential Information pursuant to paragraphs 2(d) or 4(d). Prior to disclosure of such information to Designated Persons, pursuant to paragraph 2(d) or 4(d), any such Designated Person shall agree to be subject to the terms of this Order by signing a copy hereof and stating that they "Agree to be bound by the terms herein," and providing such copy to the defendant's counsel. However, the defendant and his or her respective counsel need not obtain signatures from any member of the defense team (i.e., attorneys, experts, consultants, paralegals, investigators, support personnel, and secretarial staff involved in the representation of the defendants in this case), all of whom are nonetheless bound by this Protective Order.

6. The defendant and defense counsel are precluded, unless authorized by the Government in writing or by Order of the Court, from filing publicly as an attachment to a filing or excerpted within a filing, any discovery materials identified as Highly Confidential Information. Nothing in this Order precludes the defendant or defense counsel from using any discovery in judicial proceedings in this case.

7. The provisions of this Order shall not be construed as preventing the disclosure of any discovery

information other than Highly Confidential Information in any motion, hearing, trial, or sentencing proceeding held in connection with the above-referenced action or to any District Judge or Magistrate Judge of this Court (or their staff) for purposes of the above-referenced action.

SO ORDERED:

Dated: New York, New York
1/21, 2020

RMB

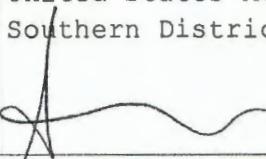
HONORABLE RICHARD M. BERMAN
United States District Judge

AGREED AND CONSENTED TO:

Dated: December 30, 2019
New York, New York

GEOFFREY S. BERMAN
United States Attorney
Southern District of New York

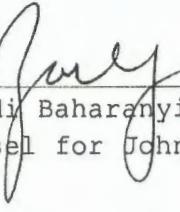
By:


Alex Rossmiller / Ryan Finkel
Assistant United States Attorneys

Dated: January 17, 2020
New York, New York

JOHN PIERRE DUPONT

By:


Zawadi Baharanyi, Esq.
Counsel for John Pierre Dupont